

Transfer from the District of NJ on 10/25/17

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

17-CV-4775  
17 4775

Address of Plaintiff:

New Jersey

Address of Defendant:

255 Business Center Drive, Hershey, PA 17033

Place of Accident, Incident or Transaction:

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number:

Judge

Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

## A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases  
(Please specify) Fair Labor Standards Act

## B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify)

## ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.# \_\_\_\_\_

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE:

10/25/17

Steve Tomas

Attorney-at-Law

Deputy Clerk

Attorney I.D.# \_\_\_\_\_

OCT 25 2017

PU PD

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORMChristopher Oddo, on behalf  
of himself + those similarly situated  
v.  
Philip Brucato, et al.

CIVIL ACTION

17 4775

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

Date 10/25/17

Steve Tomco  
Attorney-at-lawDeputy Clerk  
Attorney for

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

OCT 25 2017

PD

CLOSED,SCHEDO

**U.S. District Court  
District of New Jersey [LIVE] (Newark)  
CIVIL DOCKET FOR CASE #: 2:16-cv-04267-KM-JBC**

17 4775

ODDO et al v. BIMBO BAKERIES U.S.A. INC. et al  
Assigned to: Judge Kevin McNulty  
Referred to: Magistrate Judge James B. Clark  
Cause: 29:201 Fair Labor Standards Act

Date Filed: 07/13/2016  
Date Terminated: 10/23/2017  
Jury Demand: Plaintiff  
Nature of Suit: 710 Labor: Fair  
Standards  
Jurisdiction: Federal Question

**Plaintiff**

**CHRISTOPHER ODDO**

*On behalf of himself and those similarly  
situated*

represented by **JOSHUA S. BOYETTE**  
SWARTZ SWIDLER LLC  
1101 KINGS HIGHWAY NORTH  
SUITE 402  
CHERRY HILL, NJ 08034  
856-685-7420  
Fax: 856-685-7417  
Email: jboyette@swartz-legal.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**MATTHEW D. MILLER**  
SWARTZ SWIDLER, LLC  
1101 KINGS HIGHWAY NORTH  
SUITE 402  
CHERRY HILL, NJ 08034  
856-685-7420  
Fax: 856-685-7417  
Email: mmiller@swartz-legal.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**PHILIP BRUCATO**

*On behalf of himself and those similarly  
situated*

represented by **JOSHUA S. BOYETTE**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**MATTHEW D. MILLER**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**MICHAEL LENNON***On behalf of himself and those similarly situated*

represented by **JOSHUA S. BOYETTE**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**MATTHEW D. MILLER**

(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****BIMBO BAKERIES U.S.A. INC.**

represented by **JAMES P. WALSH, JR.**  
 MORGAN, LEWIS & BOCKIUS LLP  
 502 CARNEGIE CENTER  
 PRINCETON, NJ 08540-7814  
 (609) 919-6600  
 Email: james.walsh@morganlewis.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**SEAN PATRICK LYNCH**

MORGAN LEWIS & BOCKIUS LLP  
 502 CARNEGIE CENTER  
 PRINCETON, NJ 08540  
 609-919-6611  
 Email: slynch@morganlewis.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**BRADLEY JOSEPH CROWELL**

MORGAN LEWIS & BOCKIUS LLP  
 1701 MARKET STREET  
 PHILADELPHIA, PA 19103  
 215-963-5000  
 Email:  
 bradley.crowell@morganlewis.com  
**ATTORNEY TO BE NOTICED**

**Defendant****JOHN DOES 1-10**

represented by **JAMES P. WALSH, JR.**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/13/2016	<u>1</u>	COMPLAINT against BIMBO BAKERIES U.S.A. INC., JOHN DOES 1-10

		( Filing and Admin fee \$ 400 receipt number 0312-7225232) with JURY DEMAND, filed by CHRISTOPHER ODDO, PHILIP BRUCATO, MICHAEL LENNON. (Attachments: # <u>1</u> Civil Cover Sheet)(seb) (Entered: 07/14/2016)
07/14/2016	<u>2</u>	SUMMONS ISSUED as to BIMBO BAKERIES U.S.A. INC. Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. Issued By *STEPHEN BOND* (seb) (Entered: 07/14/2016)
07/15/2016	<u>3</u>	NOTICE by PHILIP BRUCATO, MICHAEL LENNON, CHRISTOPHER ODDO of <i>Filing of Consent</i> (Attachments: # <u>1</u> Consent Form, # <u>2</u> Consent Form, # <u>3</u> Consent Form, # <u>4</u> Consent Form, # <u>5</u> Consent Form)(MILLER, MATTHEW) (Entered: 07/15/2016)
07/15/2016	<u>4</u>	NOTICE by PHILIP BRUCATO, MICHAEL LENNON, CHRISTOPHER ODDO of <i>Filing of Consent</i> (Attachments: # <u>1</u> Consent Form)(MILLER, MATTHEW) (Entered: 07/15/2016)
08/15/2016	<u>5</u>	SUMMONS Returned Executed by CHRISTOPHER ODDO, PHILIP BRUCATO, MICHAEL LENNON. BIMBO BAKERIES U.S.A. INC. served on 8/10/2016, answer due 8/31/2016. (MILLER, MATTHEW) (Entered: 08/15/2016)
08/17/2016	<u>6</u>	Application and Proposed Order for Clerk's Order to extend time to answer Attorney SEAN PATRICK LYNCH for BIMBO BAKERIES U.S.A. INC. added. (LYNCH, SEAN) (Entered: 08/17/2016)
08/18/2016		Clerk's Text Order - The document <u>6</u> Application for Clerk's Order to Ext Answer/Proposed Order submitted by BIMBO BAKERIES U.S.A. INC. has been GRANTED. The answer due date has been set for 9/14/2016. (seb) (Entered: 08/18/2016)
09/14/2016	<u>7</u>	MOTION to Dismiss by BIMBO BAKERIES U.S.A. INC.. Responses due by 10/3/2016 (Attachments: # <u>1</u> Brief in Support of Defendant's Motion to Dismiss, # <u>2</u> Declaration of Sean P. Lynch in Support of Motion to Dismiss, # <u>3</u> Text of Proposed Order, # <u>4</u> Certificate of Service)(LYNCH, SEAN) (Entered: 09/14/2016)
09/15/2016	<u>8</u>	NOTICE by PHILIP BRUCATO, MICHAEL LENNON, CHRISTOPHER ODDO of <i>Filing of Consent</i> (Attachments: # <u>1</u> Consent Form, # <u>2</u> Consent Form, # <u>3</u> Consent Form)(MILLER, MATTHEW) (Entered: 09/15/2016)
09/16/2016		Set Deadlines as to <u>7</u> MOTION to Dismiss. Motion set for 10/17/2016 before Judge Kevin McNulty. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (seb) (Entered: 09/16/2016)
09/19/2016	<u>9</u>	Rule 7.1(d)(5) Letter for an automatic extension of the return date of a dispositive motion re <u>7</u> MOTION to Dismiss . (MILLER, MATTHEW) (Entered: 09/19/2016)
09/20/2016		Set/Reset Deadlines as to <u>7</u> MOTION to Dismiss . Motion set for 11/7/2016

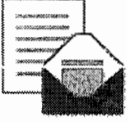
		before Judge Kevin McNulty. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (nic, ) (Entered: 09/20/2016)
09/29/2016	<u>10</u>	NOTICE of Appearance by JOSHUA S. BOYETTE on behalf of All Plaintiffs (BOYETTE, JOSHUA) (Entered: 09/29/2016)
10/24/2016	<u>11</u>	BRIEF in Opposition filed by PHILIP BRUCATO, MICHAEL LENNON, CHRISTOPHER ODDO re <u>7</u> MOTION to Dismiss (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(MILLER, MATTHEW) (Entered: 10/24/2016)
10/26/2016	<u>12</u>	MOTION for Extension of Time to File Response/Reply by BIMBO BAKERIES U.S.A. INC.. (Attachments: # <u>1</u> Text of Proposed Order)(LYNCH, SEAN) (Entered: 10/26/2016)
10/27/2016	<u>13</u>	ORDER granting <u>12</u> Motion for Extension of Time to File Response/Reply to Motion to Dismiss until 11/14/16; the motion date for Motion to Dismiss is adjourned one cycle, until 11/21/16. Signed by Judge Kevin McNulty on 10/27/16. (DD, ) (Entered: 10/28/2016)
10/28/2016		Reset Deadlines as to <u>7</u> MOTION to Dismiss . Motion reset for 11/21/2016 before Judge Kevin McNulty. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (DD, ) (Entered: 10/28/2016)
11/11/2016	<u>14</u>	NOTICE of Appearance by JAMES P. WALSH, JR on behalf of BIMBO BAKERIES U.S.A. INC., JOHN DOES 1-10 (Attachments: # <u>1</u> Certificate of Service)(WALSH, JAMES) (Entered: 11/11/2016)
11/14/2016	<u>15</u>	MOTION for Leave to Appear Pro Hac Vice <i>for Michael J. Puma</i> by BIMBO BAKERIES U.S.A. INC., JOHN DOES 1-10. (Attachments: # <u>1</u> Certification of Michael J. Puma, # <u>2</u> Certification of James P. Walsh, # <u>3</u> Text of Proposed Order, # <u>4</u> Certificate of Service)(WALSH, JAMES) (Entered: 11/14/2016)
11/14/2016		Set Deadlines as to <u>15</u> MOTION for Leave to Appear Pro Hac Vice <i>for Michael J. Puma</i> . Motion set for 12/19/2016 before Judge Kevin McNulty. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (seb) (Entered: 11/14/2016)
11/14/2016	<u>16</u>	REPLY BRIEF to Opposition to Motion filed by BIMBO BAKERIES U.S.A. INC. re <u>7</u> MOTION to Dismiss (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A to Declaration of James Walsh, # <u>3</u> Exhibit B to Declaration of James Walsh, # <u>4</u> Certificate of Service)(WALSH, JAMES) (Entered: 11/14/2016)
11/15/2016	<u>17</u>	ORDER granting <u>15</u> Motion for Leave to Appear Pro Hac Vice of Michael J. Puma, Esq., on behalf of Defendant Bimbo Bakeries USA, Inc., etc. Signed by

		Magistrate Judge James B. Clark on 11/15/2016. (ek) (Entered: 11/15/2016)
05/17/2017	<u>18</u>	OPINION. Signed by Judge Kevin McNulty on 05/17/2017. (ek) (Entered: 05/17/2017)
05/17/2017	<u>19</u>	ORDER denying Plaintiffs <u>7</u> Motion to Dismiss in its entirety. Signed by Judge Kevin McNulty on 05/17/2017. (ek) (Entered: 05/17/2017)
05/22/2017	<u>20</u>	NOTICE by PHILIP BRUCATO, MICHAEL LENNON, CHRISTOPHER ODDO of <i>Filing of Consent</i> (Attachments: # <u>1</u> Consent Form)(MILLER, MATTHEW) (Entered: 05/22/2017)
05/31/2017	<u>21</u>	ANSWER to Complaint by All Defendants. (Attachments: # <u>1</u> Certificate of Service)(WALSH, JAMES) (Entered: 05/31/2017)
05/31/2017	<u>22</u>	Corporate Disclosure Statement by BIMBO BAKERIES U.S.A. INC. identifying BBU, Inc. as Corporate Parent.. (Attachments: # <u>1</u> Certificate of Service)(WALSH, JAMES) (Entered: 05/31/2017)
06/09/2017	<u>23</u>	LETTER ORDER - Scheduling an Initial Conference for 8/7/2017 at 11:30 AM before Magistrate Judge James B. Clark. Signed by Magistrate Judge James B. Clark on 6/9/2017. (mw, ) (Entered: 06/09/2017)
06/14/2017	<u>24</u>	NOTICE of Appearance by BRADLEY JOSEPH CROWELL on behalf of BIMBO BAKERIES U.S.A. INC. (CROWELL, BRADLEY) (Entered: 06/14/2017)
06/14/2017	<u>25</u>	NOTICE by BIMBO BAKERIES U.S.A. INC. <i>Request for Pro Hac Vice Attorney to Receive Electronic Notification</i> (WALSH, JAMES) (Entered: 06/14/2017)
06/14/2017		Pro Hac Vice fee as to Michael J. Puma, Esq., : \$ 150, receipt number NEW033558. (ek) (Entered: 06/14/2017)
06/15/2017		Pro Hac Vice counsel, MICHAEL J. PUMA, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (ek) (Entered: 06/15/2017)
06/30/2017	<u>26</u>	TEXT ORDER - The initial conference set for 8/7/2017 has been RESCHEDULED to 8/14/2017 at 11:00am. So Ordered by Magistrate Judge James B. Clark on 6/30/2017. (mw, ) (Entered: 06/30/2017)
08/14/2017	<u>27</u>	PRETRIAL SCHEDULING ORDER: Telephone Status Conference set for 11/29/2017 11:30 AM before Magistrate Judge James B. Clark. Amended Pleadings due by 11/9/2017 and should be made returnable on 12/4/2017. Fact Discovery due by 8/1/2018. Joinder of Parties due by 11/9/2017 and should be made returnable on 12/4/2017. Rule 26 Meeting Report due by 8/25/2017,etc. Signed by Magistrate Judge James B. Clark on 8/14/2017. (JB, ) (Entered: 08/14/2017)
08/14/2017		Minute Entry for proceedings held before Magistrate Judge James B. Clark: Scheduling Conference held on 8/14/2017. (Court Reporter/Recorder ECR.) (seb) (Entered: 08/15/2017)

09/18/2017	<u>28</u>	STIPULATION of Confidentiality and [Proposed] Protective Order by BIMBO BAKERIES U.S.A. INC.. (Attachments: # <u>1</u> Certification) (CROWELL, BRADLEY) (Entered: 09/18/2017)
09/19/2017	<u>29</u>	STIPULATION OF CONFIDENTIALITY AND PROTECTIVE ORDER. Signed by Magistrate Judge James B. Clark on 9/19/17. (jr) (Entered: 09/19/2017)
09/26/2017	<u>30</u>	MOTION for Leave to Appear Pro Hac Vice of <i>Lauren E. Marzullo, Esquire</i> by BIMBO BAKERIES U.S.A. INC.. (Attachments: # <u>1</u> Certification for Lauren E. Marzullo, # <u>2</u> Certification for Bradley J. Crowell, # <u>3</u> Text of Proposed Order, # <u>4</u> Certificate of Service)(CROWELL, BRADLEY) (Entered: 09/26/2017)
09/26/2017		Set/Reset Deadlines as to <u>30</u> MOTION for Leave to Appear Pro Hac Vice of <i>Lauren E. Marzullo, Esquire</i> . Motion set for 11/6/2017 before Judge Kevin McNulty. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (sr, ) (Entered: 09/26/2017)
09/28/2017	<u>31</u>	ORDER granting <u>30</u> Motion for Leave to Appear Pro Hac Vice as to LAUREN E. MARZULLO, ESQ. Signed by Magistrate Judge James B. Clark on 9/28/17. (DD, ) (Entered: 09/28/2017)
10/20/2017	<u>32</u>	STIPULATION to Transfer to the United States District Court for the Eastern District of Pennsylvania, Philadelphia Division by PHILIP BRUCATO, MICHAEL LENNON, CHRISTOPHER ODDO. (MILLER, MATTHEW) (Entered: 10/20/2017)
10/23/2017	<u>33</u>	STIPULATION AND CONSENT ORDER TO TRANSFER TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, PHILADELPHIA DIVISION; that on consent of the parties, the instant matter styled Christopher Oddo, et al.v. Bimbo Bakeries USA. Inc., et al, bearing Civil Action No.: 2:16-cv-04267-KM-JBC be and hereby is transferred from the United States District Court for the District of New Jersey to the United States District Court for the Eastern District of Pennsylvania, Philadelphia Division;etc. Signed by Judge Kevin McNulty on 10/23/2017. (ld, ) (Entered: 10/24/2017)
10/23/2017		***Civil Case Terminated. (ld, ) (Entered: 10/24/2017)
10/24/2017		Case extracted via ECF to Eastern District of Pennsylvania. (mfr) (Entered: 10/24/2017)

<b>PACER Service Center</b>		
<b>Transaction Receipt</b>		
10/25/2017 09:55:00		
PACER	ue0496:4286791:0	Client

<b>Login:</b>		<b>Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:16-cv-04267-KM-JBC Start date: 1/1/1970 End date: 10/25/2017
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50



**Fw: Case ready for transfer**

InterDistrictTransfer PAED to: Steve Tomas

Sent by: Nicole D'urso

10/25/2017 08:08 AM

From: InterDistrictTransfer PAED/PAED/03/USCOURTS  
To: Steve Tomas/PAED/03/USCOURTS@USCOURTS  
Sent by: Nicole D'urso/PAED/03/USCOURTS

----- Forwarded by Nicole D'urso/PAED/03/USCOURTS on 10/25/2017 08:07 AM -----

17

4775

From: njdefiling@njd.uscourts.gov  
To: InterdistrictTransfer\_PAED@paed.uscourts.gov  
Date: 10/24/2017 12:04 PM  
Subject: Case ready for transfer

---

CASE: 2:16-cv-04267

Title : ODDO et al v. BIMBO BAKERIES U.S.A. INC. et al

NOS : 710 (Labor: Fair Standards)

Cause : 29:0201fl (29:201 Fair Labor Standards Act)

REASON: Case is ready for transfer from District of New Jersey [LIVE].

DETAILS: Copy and paste this URL into the Prepare Transferred Case program.

//ecf.njd.circ3.dcn/cgi-bin/TransferDataFile.pl?file=./paed/njd\_216cv04267\_tar.gz&checksum=57546&fileSize=10547499